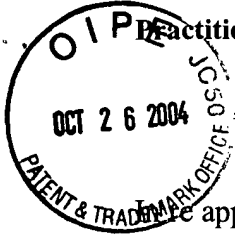


10-28-04

AF/3744 #

PATENT

JPW  
A



Practitioner's Docket No. RAR102.05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor application of: Dale Kempf, et al.

Serial No.: 10/006,970

Group No.: 3744

Filed: 12/04/2001

Examiner: Tanner, Harry B.

For: Water Control Fixture Having Thermostatically Controlled Bypass Valve

Mail Stop Patent Application

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

ER085430887US

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is a non-small entity.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. No extension of time is believed due.

Certificate of Express Mailing - 37 C.F.R. § 1.10

Express Mail Label No.: ER085430887US Date of Deposit: 10/26/04

I hereby certify that the papers and/or fees identified in this letter are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Richard A. Ryan  
Richard A. Ryan (PTO #39,014)

### FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)		(Col. 2)	(Col. 3)	NON-SMALL ENTITY	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee
Total	76	Minus	56	= 20	x \$18=	\$ 360.00
Indep.	12	Minus	3	= 9	x \$88 =	\$ 792.00
First Presentation of Multiple Dependent Claim					+ \$300 =	\$ 0
Total						Addit. Fee \$1,152.00

### PAYMENT

5. A check in the amount of \$1,152.00 is included herewith.

### CHANGE OF ADDRESS

6. Included herewith is a Change of Correspondence Address (Form PTO/SB/122) for the above-identified patent application.

10/26/2004  
DATE

Reg. No. 39,014

Customer No.: 29762

Richard A. Ryan  
SIGNATURE OF PRACTITIONER

Richard A. Ryan  
Attorney at Law  
8497 N. Millbrook, Suite 110  
Fresno, CA 93720

Tel. No.: (559) 447-1837  
Fax No.: (559) 447-1042



THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT DIVISION

**RESPONSE/AMENDMENT**

Applicant: Dale Kempf, et al. ) October 26, 2004  
Appl. No.: 10/006,970 ) Attorney Docket No. RAR102.05  
Filing Date: 12/04/2001 ) Group Art Unit 3744  
Title: Water Control Fixture Having ) Examiner: Tanner, Harry B.  
Thermostatically Controlled Bypass Valve )

HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

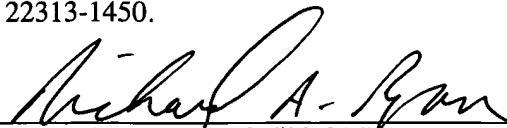
In response to the communication from the Examiner dated August 12, 2004, applicant respectfully requests that the following amendments be entered pursuant to the provisions of 37 C.F.R. §§ 1.116, and reconsideration of the amended application be considered in light of the following:

1. The Examiner's Office Action dated August 12, 2004, provided for a three (3) month shortened statutory period, which expires November 12, 2004. This response/amendment is being filed on October 26, 2004, prior to that date. As a result, no extension fees are believed due. To the extent that an extension of time to respond is deemed necessary, please consider this a request therefor.

**Certificate of Express Mailing - 37 C.F.R. § 1.10**

Express Mail Label No.: ER085430887US Date of Deposit: 10/26/2004

I hereby certify that the papers and/or fees identified in this letter are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Richard A. Ryan (PTO #39,014)

11/01/2004 BABRAHA1 00000016 10006970

01 FC:1202  
02 FC:1201

360.00 OP  
792.00 OP

1                   2. The following materials are enclosed herewith to comply with the Revised  
2 Amendment Practice set forth in 37 CFR § 1.121:

- 3                   a. Amendments to the Claims are reflected in the listing of claims which begin on page  
4                   3 of this Response/Amendment; and  
5                   b. Remarks pertaining to the above amendments begin on page 18, including a table  
6 setting forth a summary of the amended, cancelled and new claims.

7  
8                   Summary of Claims:

9                   Kindly amend claim 21;

10                  Kindly cancel claims 7, 33, 34 and 38-43; and

11                  Kindly add new claims 69-98.  
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